

IN THE DRAWINGS:

Figures 4, 5 and 6 have been amended, and Figures 8-12 have been added, as shown on the Replacement Sheets attached hereto.

REMARKS

In the Office Action dated January 13, 2005, the drawings were objected to for the reasons set forth in Section 3 of the Office Action. In response to the items noted in Section 3(A)(1)-(4), Figures 9 through 12 have been added, with appropriate accompanying description in the written portion of the specification, to illustrate the subject matter of claims 7, 10, 11 and 12 (as well as original claim 6). The content of the figures and the written description added in the specification does not go beyond the language of the original claims, and since the original claims are part of the original disclosure, no new matter is added by the figures or the material added to the specification.

Additionally, Figures 4 and 5 have been amended to translate the German words originally used in blocks 54 and 61, respectively, and Figure 6 has been amended to use "mod p" instead of "mod q" so that Figure 6 is consistent with the written part of the specification.

In response to the items indicated in Section 3(B)(1)-(5), the specification has been editorially amended, where appropriate, to specifically include equations set forth in the original figures into the written portion of the specification so that a one-to-one correspondence exists between the written portion of the specification and those figures. The only instance where this has not been done is with regard to block 44 shown in Figure 4. Including all of the equations from block 54 into the written portion of the specification would be unduly burdensome and duplicative and would serve no purpose. It is perfectly permissible for the specification to refer to the drawings for details without the requirement of embodying each and every one of those details in the written portion of the specification, particularly where those

details are not specifically claims. The specific reference in the written portion of the specification to block 54 in Figure 4 of the drawings is adequate to indicate a one-to-one correspondence to a reader of the specification between the specification and the blocks shown in Figure 4. A reader does not need to see the identical information in the specification and in the drawings to recognize that such a one-to-one correspondence exists.

The disclosure was objected to because of informalities indicated in Section 4 of the Office Action, and the specification has been editorially amended to correct those informalities.

Informalities also were noted in original claims 7, 10, 11 and 12, and those informalities have been corrected in the new set of method claims that is submitted herewith.

Claims 1-18 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. All of the items indicated by the Examiner have been addressed in the new set of method claims that is submitted herewith, and all of the method claims submitted herewith are believed to be in full compliance with all provisions of Section 112, second paragraph.

With regard to independent apparatus claim 15, the Examiner stated that claim is incomplete because it does not describe how the inspection unit could determine multiple use from the printed data, because the Examiner stated information required to identify a duplicated electronic coin is missing from the claim. Applicant disagrees that this is the case in claim 15, since claim 15 explicitly states that the central unit includes data in the date stamp in each item of postal matter which individualizes the date stamp compared to other date stamps. Claim 15 is not

necessarily directed to the specific embodiment of using an electronic coin. By including data in the date stamp that individualizes that date stamp compared to other date stamp, it allows the inspection unit to determine whether the date stamp has been multiply used. Applicant therefore respectfully submits claim 15 and the claims depending therefrom are in full compliance with all provisions of 35 U.S.C. §112, second paragraph.

Claims 1-18 also were rejected under 35 U.S.C. §101 because the Examiner stated the invention as claimed is directed to non-statutory subject matter, based on the requirements of *In re Musgrave* and *In re Sarkar*. The reformulated method claims that are submitted herewith have been drafted to take into account the Examiner's comments regarding non-statutory subject matter, and the reformulated method claims are submitted to qualify as statutory subject matter under 35 U.S.C. §101.

As to independent method claim 15, that claim has been amended to specifically describe a relationship between the franking apparatus and the postage fee apparatus that causes the postage fee units to be entered into the fee module of the franking apparatus from the postage fee apparatus. Claim 15 also has been amended to make clear that the inspection unit is remote from the franking apparatus. Applicant therefor submits that claims 15-18 constitutes statutory subject matter under 35 U.S.C. §101.

All of the original claims, with the exceptions of claims 11 and 12, were rejected under various sub-sections of 35 U.S.C. §102(b) as being anticipated by one or more of Berson or Peyret or McCooey or Whitehouse et al or Heiden et al (in the form of a published application or as an issued patent).

In view of the reformulation of the claims submitted herein, all of those rejections are submitted to be moot. In all of the reformulated claims, it is stated that unique information is embodied in an electronic coin at the time that electronic coin is obtained (downloaded) from a source of the electronic coins to a franking apparatus. When a mail piece is franked using the monetary value represented by the electronic coin, the aforementioned unique information that is associated with the consumed electronic coin is printed in the franking indicia on the mail piece, as part of the machine-readable date stamp. Of course, Applicant acknowledges that many techniques are known for including information (data) in the franking indicia, and specifically in the date stamp, that make the date stamp unique for each mail piece. Applicant also acknowledges that many inspection techniques are known for inspecting the franking indicia printed on a mail piece to detect fraud or counterfeiting. None of the references cited by the Examiner, however, discloses or suggests including such unique information in each electronic coin at the time the electronic coin is generated, and then using that unique information to detect an attempt to use an electronic coin multiples times. This is a situation that is unique to the use of electronic coins for paying for postage, and does not exist in the same form when a total dollar amount is downloaded into a credit register for use in franking postal items. When a total dollar amount is entered into a credit register, that dollar amount is simply decremented by whatever amount is necessary for franking each postal item. In the United States, the smallest amount that the credit register can be decremented is one cent, but every cent (penny) in the credit register is interchangeable (fungible) with every other cent in the credit register. Electronic coins are more in the nature of stamps, because they each represent a fixed postal

fee amount and are therefore consumed one-by-one, and therefore present the potential for being illegitimately re-used.

This is a separate problem from the general concept of producing unique information elsewhere in the date stamp. An electronic coin might possibly be reused in a date stamp in which the unique information in the date stamp is otherwise perfectly legitimate. This could not occur, however, in a date stamp that is produced by printing postage by decrementing an ordinary credit register, because the unique information in the date stamp are intended to preclude counterfeiting in that context. Those protective measures, however, are not applicable when the postage fees are represented by electronic coins.

Applicant therefore submits that none of the claims presented herein is anticipated by any of the references previously relied upon by the Examiner. Moreover, with regard to the Heiden et al. references, Applicant notes that each of those references has an effective date for prior art purposes as of December 29, 1999, which is after Applicant's December 6, 1999 priority date. If the Examiner determines to maintain a rejection based on Heiden et al., Applicant will submit a certified translation of the Priority Document to perfect Applicant's claim for convention priority.

All claims of the application are submitted to be in condition for allowance,
and early reconsideration of the application is respectfully requested.

Submitted by,



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